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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,772	03/07/2001	Teemu Puskala	4925-84 RCE	8387
7590	01/13/2004		EXAMINER	
Michael C. Stuart, Esq. Cohen, Pontani, Lieberman & Pavane 551 Fifth Avenue, Suite 1210 New York, NY 10176			HOTALING, JOHN M	
			ART UNIT	PAPER NUMBER
			3713	
			DATE MAILED: 01/13/2004	19

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicant No.</b>	<b>Applicant(s)</b>	
	09/800,772	PUSKALA, TEEMU	
	<b>Examiner</b>	<b>Art Unit</b>	
	John M Hotaling II	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-64 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The Request for Continued Examination (RCE) filed on 6/12/03 for under 37 CFR 1.114 based on parent Application No. 09/800,772 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinclair et al US Patent 6,554,707 in view of Kotzin et al US Patent 6,470,180 and Jamtgaard et al US Patent 6,430,624. Sinclair discloses all of the instant application but lacks in specifically disclosing exact types of messages and a means for modifying the message based on the terminal capabilities. Instead Sinclair discloses that the invention is related to customizing wireless interactive multiplayer games with a wireless interface that provides for the possibility of interactivity with other users and/or a server, which are remote from the mobile station (columns 1 and 2). This is motivation to find a reference that provides data structures for the players to communicate. Column 4:41-45 discloses that the interactive fiction game can enable a user 100 to interact with other users 104 and 106, with various data structures, and with intelligent software entities which can be supported on data services 108. This is motivation to find a reference that

supports many different computing platforms and data structures. See figure 5, and the disclosure related to figure 5, which discloses a plurality of users operating with a game server running a game program. Column 5 discloses the use of a wireless application protocol (WAP) gateway that supports a multiplayer interactive fiction game. Column 7 discloses login in to the game. In an analogous invention Kotzin discloses the use of wireless digital networks in gaming and that gaming may consist of one or more players communication with other player or computer systems to conduct a game (Column 1). Column 2 discloses that a hand held wireless device may include for example, cellular phones, pagers, radios, personal digital assistants PDA's, notebook or laptop computers, with wireless modems, mobile data terminals, application specific gaming devices, and video gaming devices incorporating wireless modems, etc. Column 4 disclose that the handheld wireless devices may be capable of sending and receiving data and that the data may be any variety of information such as information specific to a particular handheld wireless device, including gaming information, general information, textual information, commands, audio etc. In an analogous information content delivery system, Jamtgaard discloses that it is known to have a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. The system also delivers Web-based content, commerce, enabling transactions, and services to a variety of information appliances and devices without requiring the re-authoring of the content information for display on each of these different devices. Additionally, the system allows the formatted content to be output in and mark-up language and protocol,

such as WML, HTML, HDML, XML, etc. and can be optimally formatted for display on the devices according to the input/output format, such as the display screen size parameters of the devices. With respect to the feature where text is displayed instead of an image, this feature is a well known attribute of HTML and is an attribute of an image tag. The specific messages and categories are an obvious matter of choice well within the capabilities of one skilled in the art. Jamtgaard discloses that it is known to have a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. With respect to the motivation to combine the references please see above. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the game system of Sinclair, which transmits game related messages, with the types of gaming messages as disclosed by Kotzin with the known delivery system of Jamtgaard which discloses content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications.

***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Citation of Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Martin, Jr et al '419 discloses a system for displaying content on a wireless display

Nahi et al '120 discloses a wireless portable display tablet

Lovegreen et al '824 discloses and paging and gaming system

DeLuca '717 discloses wireless transmissions in a communications system

LaPorta '536 discloses wireless two way messaging system

Kokkonen '560 discloses using predefined messages

Bennett et al '014 discloses a message delivery system

Kovacs et al '191 discloses a multimedia on a communications system

"Instant messaging goes Wireless" discloses Short Message System code for predetermined messages

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The examiners direct fax number is 703 746 3236

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7777.

JOHN M. HOTALING, II  
PRIMARY EXAMINER

John M Hotaling II  
January 12, 2004

